

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

GEORGE RAY MECHE,
Petitioner,

v.

Civil No. 3:22cv584(DJN)

COMMONWEALTH OF VIRGINIA,
Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia inmate proceeding *pro se*, submitted a document titled, “MOTION OF HABEAS CORPUS.” (ECF No. 1.) It is not clear from Petitioner’s submissions whether he wishes to pursue a civil rights action challenging the conditions of his confinement under 42 U.S.C. § 1983 or a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Accordingly, by Memorandum Order entered on September 8, 2022, the Court directed the Clerk to mail a standardized form for filing a 42 U.S.C. § 1983 complaint and a standardized form for filing a 28 U.S.C. § 2254 petition to Petitioner. (ECF No. 2.) The Court explained that Petitioner must complete the form for either a 28 U.S.C. § 2254 petition or a 42 U.S.C. § 1983 action and return the same to the Court within fifteen (15) days of the date of entry thereof. The Court also explained that the failure to complete the appropriate form and return the same to the Court within fifteen (15) days of the date of entry thereof would result in the dismissal of the action under Federal Rule of Civil Procedure 41(b).

More than fifteen (15) days have elapsed and Petitioner has not completed and returned either form and has not otherwise responded to the Court. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b), the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia

Dated: October 18, 2022